



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
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JUN 20 2005

MEMORANDUM FOR CIVILIAN AND MILITARY OFFICERS AND EMPLOYEES
ASSIGNED TO THE OFFICE OF THE INSPECTOR
GENERAL OF THE DEPARTMENT OF DEFENSE

SUBJECT: Policy on Use of DoD IG Subpoenas in Support of Audit and Investigative
Projects and Senior Official Investigations

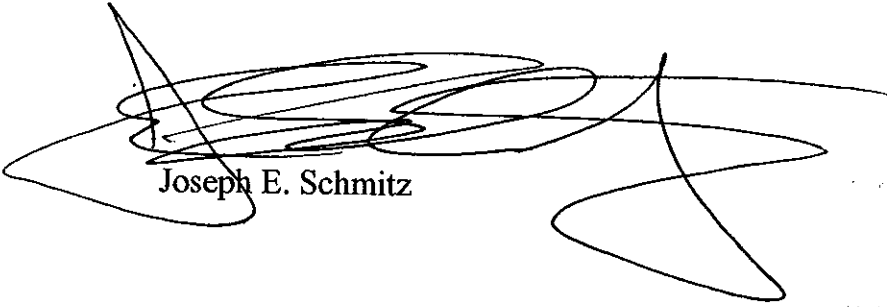
Purpose: This memorandum establishes policy on the use of Inspector General (IG) subpoenas in OIG matters other than criminal or civil fraud investigations.

Statutory Duty: Section 6(a)(4) of the Inspector General Act authorizes Inspectors General "to require by subpoena [sic] the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to the performance of the functions assigned by this Act...."

Policy: DoD IG subpoenas may be utilized to support a number of "functions assigned" by the IG Act, other than criminal or civil fraud inquiries such as audits, DCIS investigative projects, and senior official investigations. For consistency in subpoena processing, such subpoenas will be processed through the AIG (IPO) regardless of the OIG component making the request. Such subpoenas may be issued based on an articulated need for certain records, after alternative means to obtain the records have been considered and determined to be impracticable, which includes circumstances where the advance notice inherent in alternatives would frustrate the purpose of the request.

A subpoena request in a non-criminal/civil fraud matter will be approved when:

- (1) there is a clear nexus to the DoD; (2) the DoD does not already possess the records;
- (3) the requested records are relevant to ascertaining the truth in the matter pursued; (4) the request is not unduly broad or burdensome; and (5) reasonable alternatives have been unsuccessful or are impracticable.


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